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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)



Applicant's or agent's file reference CMDBP6122642	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/00046	International filing date (day/month/year) 09.01.2003	Priority date (day/month/year) 09.01.2002
International Patent Classification (IPC) or both national classification and IPC B08B3/02, B08B3/02		
Applicant FOOD PRO SYTEMS LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 11.08.2003	Date of completion of this report 23.04.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer De Waard, W Telephone No. +49 89 2399-2918 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/00046**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-33 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: . , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

see separate sheet

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-29, 31, 32
	No: Claims	1, 2, 30,33
Inventive step (IS)	Yes: Claims	
	No: Claims	3-29, 31, 32
Industrial applicability (IA)	Yes: Claims	1-33
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item I

Basis of the opinion

Claim 29 is duplicate!

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The nearest cited prior art documents are considered to be DE-A-195 46 756 and DE-U-200 08 568 (hereinafter referred to as D1 and D2 respectively).

- 1.1 The apparatus known from D1 fulfils the requirements specified in claim 1, except the functional requirement of being suitable to be applied in the field of "food processing" (compare D1, e.g. figures 1-3).

Since present claim 1 does not include any feature which make the claimed apparatus suitable to be applied in the technical field of "food processing", the scope of claim 1 is not considered to be restricted to said specific technical field.

As a consequence, the subject matter of claim 1 is not considered to be novel.

- 1.2 The apparatus known from D2 fulfils the requirements specified in claim 2, except the functional requirement of being suitable to be applied in the field of "food processing" (compare D2, e.g. figures 2 and 3, and page 4, lines 18 and 25, 26).

From the above-mentioned passage and figures of D2, it follows that inevitably the cleaning fluid washes the internal walls forming the vacuum chamber at the vacuum mouth.

Since present claim 2 does not include any feature which make the claimed apparatus suitable to be applied in the technical field of "food processing", the scope of claim 2 is not considered to be restricted to said specific technical field.

As a consequence, the subject matter of claim 2 is not considered to be novel.

2. The features additionally specified in dependent claims 3-29 (and second claim 29) are merely straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

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3. The subject matter defined in independent claim 30 is nothing more than the normal use of an apparatus defined in claim 1 or claim 2.

Since these apparats are not considered to be novel, its normal use is not considered to be novel either.

4. The same consideration holds for the independent use claim 33.